

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

DON GIBSON, LAUREN CRISS, and	)	
JOHN MEINERS, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:23-cv-00788-SRB
	)	
NATIONAL ASSOCIATION OF	)	The Hon. Stephen R. Bough
REALTORS, COMPASS, INC.,	)	
EXP WORLD HOLDINGS, INC.,	)	<b>Oral Argument Requested</b>
REDFIN CORPORATION, WEICHERT	)	
REALTORS, UNITED REAL ESTATE,	)	
HOWARD HANNA REAL ESTATE	)	
SERVICES, and DOUGLAS ELLIMAN, INC.,	)	
	)	
Defendants.	)	

**DEFENDANT EXP WORLD HOLDINGS, INC.'S  
RULE 12(b)(6) MOTION TO DISMISS**

Defendant eXp World Holdings, Inc. (“eXp Holdings”), through its undersigned attorneys, respectfully submits this Rule 12(b)(6) Motion to Dismiss the Complaint. This Motion does not address claims brought on behalf of putative class members who are bound by arbitration clauses and/or class action waivers, which claims, if brought at all, must proceed in arbitration. Contemporaneously with this Motion, eXp Holdings has filed a Separate Rule 12(F) Motion To Strike Class Allegations As To Arbitrating Class Members.

As for this Motion to Dismiss, the Complaint’s allegations against eXp Holdings are insufficient to allege a plausible conspiracy claim to violate Section 1 of the Sherman Antitrust Act. For this reason, and those set forth in Defendant eXp World Holdings, Inc.’s Suggestions In Support Of Its Separate Rule 12(b)(6) Motion To Dismiss, eXp Holdings respectfully requests that

this Court: (a) dismiss the Complaint; and (b) grant eXp Holdings such other and further relief as is appropriate.

Respectfully submitted,

EXP WORLD HOLDINGS, INC.

By: /s/ Stephen J. Siegel  
One of Their Attorneys

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***Attorneys for Defendant eXp World  
Holdings, Inc.***

**CERTIFICATE OF SERVICE**

The undersigned attorney, upon oath, hereby certifies that on February 26, 2024, he caused a true and correct copy of the foregoing to be filed electronically with the Court's CM/ECF system, and that notice of this filing was sent by electronic mail to all parties by operation of the Court's electronic filing system or by email to anyone unable to receive electronic filings as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Stephen J. Siegel